

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

OCT 05 2004

Applicants: Samuel N. Hansen

For: EXTRACTION CLEANING WITH OPTIMAL CLEANING SPEED

U.S. Patent No.: 6,800,140

Examiner: Theresa T. Snider

Issue Date: October 5, 2004

Group Art Unit: 1744

Atty. Docket: 71189-1393

Confirmation No.: 1886

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

☐ deposited with the United States Postal Service
with sufficient postage as first class mail, in an envelope
addressed to the Commissioner for Patents,
Washington, DC 20231☒ transmitted by facsimile to the Patent and Trademark Office,
to Office of Patent Legal Administration c/o Central
Fax Number at 703-872-9306.Rebecca L. Shilt
SignatureDate: Oct. 5, 2004Rebecca L. Shilt
(type or print name of person certifying)Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENTUNDER 35 U.S.C. § 154 AND 37 C.F.R. § 1.705(D)

In accordance with 37 C.F.R. § 1.705(d), Applicant hereby requests a reconsideration of a determination of patent term adjustment under 35 U.S.C. § 154(b). This request for reconsideration is timely filed because it is filed within two (2) months after the date of issuance of the patent on October 5, 2004. There are no issues raised in this request for reconsideration that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of 37 C.F.R. § 1.705.

The Commissioner is authorized to charge our deposit account 50-2003 the sum of \$200 for this request in accordance with 37 C.F.R. § 1.18(e). However, because Applicant believes that this request is necessitated because of an error on behalf of the U.S. Patent and Trademark

U.S. Patent No. 6,800,140
Issue Date: October 5, 2004
Page 2 of 4

Examiner: Theresa T. Snider
Group Art Unit: 1744

Office in making the adjustment to the patent term, that Applicant should be refunded this fee if this request is granted.

STATEMENT OF FACTS INVOLVED

The correct patent term adjustment for this patent should be 253 days. The Issue Notification determined that the patent term adjustment is 153 days.

This application was filed on January 11, 2002, under the provision of § 371 of 35 U.S.C. based on U.S. Patent No. 6,446,302 filed June 13, 2000, and claimed the benefit of U.S. Serial No. 60/139,127, filed June 14, 1999. The U.S. Patent and Trademark Office held that the above-identified application complied with all 35 U.S.C. requirements as of February 5, 2002. See Exhibit A attached hereto.

A first Office Action in this application was not mailed until November 19, 2003, 253 days after 14 months following the filing date of this application. A copy of the first Office Action is attached hereto as Exhibit B. In the Office Action, the Examiner objected to the drawings on the basis that there was duplication of reference characters and included a reference sign not mentioned in the description of the claimed subject matter. In addition, the examiner objected to the specification, rejected all of the claims under 35 USC § 112, rejected some of the claims under 35 USC § 102 and rejected some of the claims under 35 USC § 103.

Applicant filed a timely Response to this Office Action on February 19, 2004, including the filing of amended drawings that obviated the examiner's objections to the drawings, amendments to the specification to comply with the examiner's objections and amendments to the claims to overcome the rejection of the claims. A copy of this Response is attached hereto as exhibit C.

On April 23, 2004, a Notice of Allowance, a Determination of Patent Term Adjustment, and a Notice of Allowability were mailed to Applicant. In the Notice of Allowability, the Examiner indicated that the drawings were accepted and that all of the claims were allowable. A copy of these documents is attached hereto as Exhibit D. In the Determination of Patent Term Adjustment, the Patent and Trademark Office correctly determined that the patent term adjustment is 253 days.

U.S. Patent No. 6,800,140
Issue Date: October 5, 2004
Page 3 of 4

Examiner: Theresa T. Snider
Group Art Unit: 1744

Applicant timely paid the issue fee on July 20, 2004. A copy of Applicant's Fees Transmittal which was filed on July 20, 2004, is attached hereto as Exhibit E. A copy of the Issue Fee Transmittal in an Auto Reply facsimile from the U.S. Patent and Trademark Office showing that the final fee was paid on July 20, 2004, is attached hereto as Exhibit F.

Applicant filed no further papers in the U.S. Patent and Trademark Office subsequent to the timely payment of the final issue fee. Applicant received an Issue Notification, mailed September 16, 2004, that the patent would issue on October 5, 2004, and that the patent term adjustment was 153 days. No explanation was given for the difference between the original determination and the later determination. A copy of this Issue Notification is attached hereto as Exhibit G. This determination with the Issue Notification was in error because any delay in issuance of this patent was not the fault of the Applicant and was the fault of the U.S. Patent and Trademark Office. Applicant prosecuted this application diligently and consistent within every tenet of the law and the rules. The facts show that the drawings were accepted by the examiner and all other formalities were in compliance with the U.S. Patent and Trademark Office requirements as of the Notice of Allowance April 23, 2004 mailing date.

In view of the foregoing, Applicant believes that he is entitled to the full 253 days of patent term adjustment and no deduction should be made because Applicant carried out his obligation to prosecute the application diligently within the law.

U.S. Patent No. 6,800,140
Issue Date: October 5, 2004
Page 4 of 4

Examiner: Theresa T. Snider
Group Art Unit: 1744

Restoration of the patent term adjustment of the 253 days is respectfully requested.
Refund of the fee is also requested for this Request.

Respectfully submitted,

SAMUEL N. HANSEN

Dated: 10-05-04

By: 

John E. McGarry, Reg. No. 22,360
McGARRY BAIR PC
171 Monroe Avenue, NW, Suite 600
Grand Rapids, Michigan 49503
616-742-3500

G0141957